

## DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION

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JUL 08 2002

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

TECHNOLOGY CENTER R3700

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

## GRAFT FIXATION SYSTEM AND METHOD

and for which a patent application:

☒ was filed in the United States on April 20, 2001 as Application No. 09/839,562; and

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

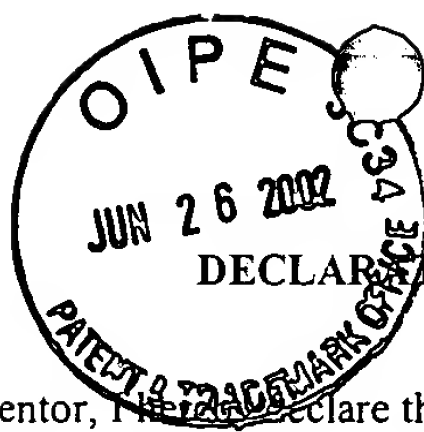
PROVISIONAL APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2 0 1	FULL NAME OF INVENTOR	LAST NAME WILFORD	FIRST NAME Troy	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Malvern	STATE OR FOREIGN COUNTRY PA	COUNTRY OF CITIZENSHIP USA	
	POST OFFICE ADDRESS	STREET 717 Charleston Green	CITY Malvern	STATE OR COUNTRY PA	ZIP CODE 19355
		SIGNATURE OF TROY WILFORD		DATE	
2 0 2	FULL NAME OF INVENTOR	LAST NAME Carter	FIRST NAME Cory	MIDDLE NAME W.	
	RESIDENCE & CITIZENSHIP	CITY Wilmington	STATE OR FOREIGN COUNTRY DE	COUNTRY OF CITIZENSHIP USA	
	POST OFFICE ADDRESS	STREET 6 Peirce Road	CITY Wilmington	STATE OR COUNTRY DE	ZIP CODE 19380
		SIGNATURE OF CORY W. CARTER <i>Cory W. Carter</i>		DATE 5-6-2002	



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### GRAFT FIXATION SYSTEM AND METHOD

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☒ was filed in the United States on April 20, 2001 as Application No. 09/839,562; and

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			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

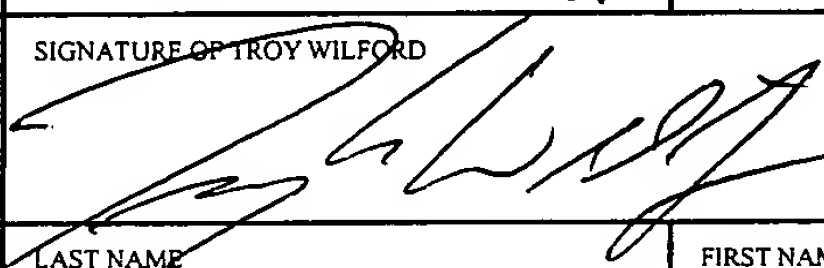
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		PATENTED	PENDING	ABANDONED

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2 0 1	FULL NAME OF INVENTOR	LAST NAME WILFORD	FIRST NAME Troy	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY <u>BREINIGSVILLE</u> <del>Malvern</del>	STATE OR FOREIGN COUNTRY PA	COUNTRY OF CITIZENSHIP USA	
	POST OFFICE ADDRESS	STREET <u>1063 MOSSELE RD</u> <u>717 Charleston Green N-101</u>	CITY <u>BREINIGSVILLE</u> <del>Malvern</del>	STATE OR COUNTRY PA	ZIP CODE <u>18031</u> <del>19355</del>
	SIGNATURE OF TROY WILFORD 			DATE <u>5/29/2002</u>	
2 0 2	FULL NAME OF INVENTOR	LAST NAME Carter	FIRST NAME Cory	MIDDLE NAME W.	
	RESIDENCE & CITIZENSHIP	CITY Wilmington	STATE OR FOREIGN COUNTRY DE	COUNTRY OF CITIZENSHIP USA	
	POST OFFICE ADDRESS	STREET 6 Peirce Road	CITY Wilmington	STATE OR COUNTRY DE	ZIP CODE 19380
	SIGNATURE OF CORY W. CARTER			DATE	



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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: T. WILFORD

Application No.: 09/839,562

Group Art Unit: 3732

Filed: April 20, 2001

Examiner: Unassigned

For: GRAFT FIXATION SYSTEM AND  
METHOD

Attorney Docket No.: 8932-268

CONSENT BY THE ASSIGNEE UNDER 37 C.F.R. § 1.48(a)(5)

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

SYNTHES (USA), a General Partnership existing under the laws of the Commonwealth of Pennsylvania and having a place of business at 1690 Russell Road, Paoli, PA 19301, as sole Assignee of the entire right, title and interest in, to and under the invention and application filed on April 20, 2001 entitled "GRAFT FIXATION SYSTEM AND METHOD" hereby consents to the correction of application no. 09/839,562 (the "Application") to add Cory W. Carter as a named inventor.

SYNTHES (USA), certifies that it is the sole Assignee of the entire right, title and interest in, to and under the invention of the Application, pursuant to the assignment recorded at Reel 011736, Frame 0381 on April 20, 2001 at the U.S. Patent and Trademark Office and an assignment executed by Cory W. Carter, the added co-inventor of the Application, a copy of which is enclosed.<sup>1</sup>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Patent.

Signed this 17<sup>th</sup> day of June, 2002.

**SYNTHES (USA)**

By: Jessie B. Hill  
Name: Jessie B. Hill, Esq.  
Title: Director, Legal Affairs

## ASSIGNMENT

WHEREAS, I, Cory W. Carter, ASSIGNOR, citizen of the United States, residing at 6 Peirce Road, Wilmington, Delaware 19803, co-inventor with Troy Wilford, of the invention in **GRAFT FIXATION SYSTEM AND METHOD** for which an application for a Patent of the United States has been filed

- ☐ which is executed concurrently herewith
- ☒ which is identified by Pennie & Edmonds LLP docket no. 8932-268
- ☒ which was filed on April 20, 2001, Application No. 09/839,562.

AND WHEREAS, **SYNTHES AG CHUR**, ASSIGNEE, having a registered office and place of business at Grabenstrasse 15, CH-7002 Chur, Switzerland, is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application in all geographic locations except the United States and its possessions and territories, Canada and its possessions and territories, the Bahamas, and Bermuda, (hereinafter "the excluded geographic locations")

AND WHEREAS, **SYNTHES (USA)**, ASSIGNEE, a General Partnership existing under the laws of the Commonwealth of Pennsylvania and having a place of business at 1690 Russell Road, Paoli, PA 19301, is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application in the excluded geographic locations:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said ASSIGNOR, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over:

(1) unto the said **SYNTHES (USA)**, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention in the excluded geographic locations, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection in the excluded geographic locations, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country in the excluded geographic locations, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection in the excluded geographic locations, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country in the excluded geographic locations and all extensions, renewals and reissues thereof, and

(2) unto the said **SYNTHES AG CHUR**, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention in all geographic locations except the excluded geographic locations; and all applications for industrial property protection in all geographic locations except the excluded geographic locations, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States in all geographic locations except the excluded geographic locations, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection in all geographic locations except the excluded geographic locations, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND I HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEES, their successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant and agree that I have full right to convey the entire interest herein assigned, and that I have not executed, and not execute, any agreement in conflict herewith.

AND I HEREBY further covenant and agree that I will communicate to the said ASSIGNEES, their successors, legal representatives and assigns, any facts known to me respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEES, their successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 6<sup>th</sup> day of May, 2002.

Cory W. Carter L.S.  
Cory W. Carter

State of Pennsylvania  
County of Chester ) SS.:

On May 6, 2002, before me, N. Jenkinson, Notary Public, personally appeared Cory W. Carter, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Nancy M. Jenkinson

